

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12024

D.C. Docket No. 1:16-cr-00243-ODE-JFK-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NATHAN VAN BUREN,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

(August 4, 2021)

Before MARTIN, ROSENBAUM, and BOGGS,* Circuit Judges.

**ON REMAND FROM THE
SUPREME COURT OF THE UNITED STATES**

PER CURIAM:

* Honorable Danny J. Boggs, United States Circuit Judge for the Sixth Circuit, sitting by designation.

When this case came to us initially, our circuit precedent required that we affirm Van Buren’s conviction for computer fraud under 18 U.S.C. § 1030 because he misused a database for an inappropriate nonbusiness reason, even though he was otherwise authorized to use and could lawfully access the database. See United States v. Van Buren, 940 F.3d 1192, 1207–08 (11th Cir. 2019) (citing United States v. Rodriguez, 628 F.3d 1258, 1263 (11th Cir. 2010)). On June 3, 2021, the United States Supreme Court reversed our decision, holding that 18 U.S.C. § 1030 applies when a person “accesses a computer with authorization but then obtains information located in particular areas of that computer—such as files, folders, or databases—that are off limits to him.” Van Buren v. United States, 593 U.S. ___, 141 S. Ct. 1648, 1652, 1662 (2021). “It does not cover those who, like Van Buren, have improper motives for obtaining information that is otherwise available to them.” Id. at 1652. For the reasons stated in the Supreme Court’s decision, we vacate Van Buren’s conviction for computer fraud under 18 U.S.C. § 1030 and remand this case to the district court for further proceedings consistent with the Supreme Court’s decision.

VACATED AND REMANDED.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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August 04, 2021

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-12024-JJ
Case Style: USA v. Nathan Van Buren
District Court Docket No: 1:16-cr-00243-ODE-JFK-1

Enclosed is a copy of this court's decision filed today in this appeal on remand from the Supreme Court of the United States.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call Tiffany A. Tucker, JJ at (404)335-6193.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jeff R. Patch
Phone #: 404-335-6151

OPIN-6 Issuance of Opinion Remand SC